



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** American Development Corporation--  
Request for Reconsideration  
**File:** B-224842.3

**Date:** March 18, 1987

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### DIGEST

Request for reconsideration is denied where request by protester who challenged rejection of its proposal as technically unacceptable does not show any error of fact or law in original decision but only reiterates argument made in initial protest that it was misled by contracting officer's remarks during discussions into concluding that no further revisions to its technical proposal should be attempted.

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### DECISION

American Development Corporation (Adcor) requests reconsideration of our decision, American Development Corp., B-224842, Jan. 7, 1987, 87-1 CPD ¶ \_\_\_, denying Adcor's protest concerning the rejection of its offer as technically unacceptable under request for proposals (RFP) No. DAAB07-86-R-J010, issued by the Army for communications systems control elements. We denied the protest based on our finding that Adcor had not shown that the Army's technical evaluation of its proposal lacked a reasonable basis or that the Army had failed to conduct meaningful discussions. Adcor's request for reconsideration is limited to the second issue raised in its protest, Adcor's contention that it was not given a meaningful opportunity to address deficiencies in its proposal. We deny the request for reconsideration.

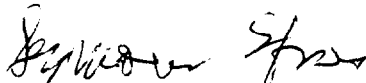
As discussed in detail in the original decision, the RFP provided that award would be made to the firm submitting the conforming offer representing the best value to the government. The RFP listed four evaluation criteria in descending order of importance (technical; cost/price; logistics; management) and required that proposals be rated at least acceptable in each category. The Army found Adcor's initial proposal to be reasonably susceptible to being made acceptable and included it in the competitive range. The Army then

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furnished Adcor a list of 113 questions, covering 38 deficiencies and 27 weaknesses identified in Adcor's proposal. Adcor responded in writing to those questions, after which oral discussions were held, followed by the submission of proposal revisions based on the oral discussions and a best and final offer. The Army ultimately found Adcor's proposal unacceptable under the technical category.

In its request for reconsideration, Adcor does no more than reiterate its original argument, which we found to be without merit. Specifically, Adcor contends that during discussions the contracting officer advised Adcor that its proposal was technically acceptable and, as a result, Adcor was misled into believing that no further revisions to its technical proposal should be attempted. As we stated in our original decision, even accepting Adcor's version of the contracting officer's remarks,<sup>1/</sup> it was not reasonable for Adcor to conclude that no further technical revisions should be attempted. In our view, Adcor's contention that it did not want to jeopardize its chance for award by making further revisions to its proposal might apply only where award was to be made to the lowest priced, technically acceptable offeror; here, in contrast, the RFP provided that the technical category was the most important of the four evaluation factors and that award would be made to the offeror representing the best value to the government. The selection decision was to be based in part on an offeror's relative technical rating, superior, good or acceptable. Thus, even if Adcor believed based on the oral discussions that the Army regarded its proposal as technically acceptable, Adcor could not reasonably assume in view of the evaluation scheme in the RFP that further revisions to its proposal which might improve its rating were unnecessary.

Since Adcor has failed to show any error of law or fact in our original decision, the request for reconsideration is denied. Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1986).

*fn*   
Harry R. Van Cleve  
General Counsel

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<sup>1/</sup> The Army disputed Adcor's contention that the contracting officer had said that Adcor's proposal was technically acceptable.